

The Leesburg Planning Commission met on Thursday, January 20, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Wade Burkholder, Brian Boucher, Christopher Murphy, Bruce Douglas, Nick Colonna, Steve McGregor, David Fuller, Susan Swift, Mac Willingham and Linda DeFranco.

### **CALL TO ORDER**

The meeting was called to order at 7:00pm by Chairman Vaughan.

### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Present: Chairman Vaughan  
Commissioner Bangert  
Commissioner Barnes  
Commissioner Hoovler  
Commissioner Jones  
Commissioner Kalriess  
Mayor Umstattd  
Commissioner Wright.

### **ADOPTION OF AGENDA**

Commissioner Hoovler moved to adopt the agenda as presented.

Motion: Hoovler  
Second: Barnes  
Carried: 7-0

### **APPROVAL OF MINUTES**

Commissioner Hoovler noted that there was a change page and moved to adopt the minutes of the January 6, 2005 meeting as amended

Motion: Hoovler  
Second: Kalriess  
Carried: 7-0

### **PREVIEW CASES**

**Fort Evans Plaza II (International Pavilion) TLSE-2004-0013 Retail Center greater than 100,000 square feet situated at the northwest corner of Fort Evans Road and planned Battlefield Parkway, NE.**

Christopher Murphy, AICP, Sr. Planner

**TLSE-2004-0014 Bank with Drive-Through, North situated at the northwest corner of Fort Evans Road and planned Battlefield Parkway, NE.**

Christopher Murphy, AICP, Sr. Planner

**TLSE-2004-0015 Bank with Drive-Through, South situated at the northwest corner of Fort Evans Road and planned Battlefield Parkway, NE.**

Christopher Murphy, AICP, Sr. Planner

**TLSE-2004-0016 Fast Food Restaurant with Drive-Through situated at the northwest corner of Fort Evans Road and planned Battlefield Parkway, NE.**

Christopher Murphy, AICP, Sr. Planner

There was no discussion on the preview cases from the Planning Commission, staff or applicant. Commissioner Vaughan said that he received some comments from the last preview sessions and said he felt a lack of ease regarding the preview process. Currently the Commission simply asks staff any questions they might have relative to the applications. Last time there was significant discussion on one of the cases and Mr. Vaughan felt that they got into areas that were too detailed but never gave the applicant an opportunity to speak. For tonight, until it is determined how preview cases will be handled, Mr. Vaughan recommended that the Commission be alert to the applications and realize that they will come up for public hearing on February 3. He asked the commission members to review the reports and go directly to staff for any questions or comments. There would be no discussion on these applications this evening if the commission agrees to this and has reviewed and discussed the current process.

Commissioner Bangert asked when the Chairman proposed to discuss this process, tonight or at another time.

Chairman Vaughan responded that it could not be done this evening, and his preference would be to put it on the first meeting in February. Chairman Vaughan identified the four preview applications and asked the Commission to ask any questions of the staff prior to the next meeting where these applications will appear in the public hearing forum.

Commissioner Wright specified the location of the four previews for the viewing audience.

**CHAIRMAN'S STATEMENT**

There will be a Petitioner's session along with two public hearings this evening. The hearings are on Loudoun National Bank and Arby's restaurant. The signup sheets are on the ledge near the podium for interested speakers to sign up.

There will also be a joint meeting on the town plan update presenting the background papers on land use and transportation to the Planning Commission, Economic Development Commission and the Environmental Advisory Commission.

### **PETITIONER'S SESSION**

None

### **PUBLIC HEARING**

**SE 2004-27 – Arby's at Potomac Station Retail, fast food restaurant with drive-through – Special exception for drive-through. 601 Potomac Station Dr, NE – Wade Burkholder, Planner**

Dino Ponce of Master Design, architect for the Arby's came forward to describe the restaurant and the site. He stated that there would be no access from Battlefield Parkway, that the access would be from the parking lot.

Wade Burkholder gave the staff report recommending approval with conditions. The conditions include site circulation, screening, speaker volume, sidewalk and lighting. The applicant has agreed to the concerns regarding these.

Commissioner Bangert asked Mr. Ponce if he was OK with the conditions as they were stated. Mr. Ponce indicated that they were in agreement. He pointed out that there would be a six foot masonry wall behind the building.

Commissioner Wright asked how the sidewalk would align with the proposed screening wall. Also, where is the main entrance to the restaurant? The sides of the building will have the entrances. Also, has the BAR reviewed this fence? Mr. Burkholder replied that the BAR had deferred the fence back to staff. Mr. Wright asked about sight lines.

Mayor Umstattd asked what the thinking of the BAR was with regard to fencing versus S-3 screening. Mr. Burkholder replied that unlike the bank next door that has the look of having two fronts, the purpose of the fence is to buffer the back of the building. The Mayor questioned the type of fencing that will be used stating that most fences don't block anything. Brian Boucher responded that this would be a masonry fence that will provide a visual buffer.

Commissioner Hoovler asked about the loading zone and whether the turnaround area was wide enough to accommodate a box truck used for delivery. Also, will the drainage detail be provided on future plans.

Commissioner Kalriess asked for better definition of the screening fence. Mr. Burkholder responded that staff will clarify.

Chairman Vaughan said that staff will make the final decision on this and will make appropriate approvals. With regard to the bank next door and the two front design, was this ever discussed for the Arby's site, and why can't they do this.

Dino Ponce replied that because of the kitchen, electrical panels, etc. are in the back so this would be difficult to do in the back. Mr. Vaughan then asked the exact location of the fencing again. Brian Boucher responded that staff will readdress this with the applicant. Mr. Vaughan also asked if elevations had been submitted. Mr. Boucher replied that elevations had been submitted to the BAR and the only thing left is the fencing.

Commissioner Jones asked how the building was situated on the lot. He then asked about the location of the loading area with respect to the traffic flow. Lastly he asked about the composition of the fence. He asked that it be referred to as a wall, this would eliminate any "wood" option.

Commissioner Wright asked that the discussion move to the public hearing portion.

Commissioner Kalriess asked exactly where the wall was going to be located.

At this time Chairman Vaughan opened the public hearing. There were no speakers. Chairman Vaughan then stated that this issue will remain open for ten days for any further comment. He then resumed commission comments.

Commissioner Jones reiterated that the wall should be masonry and be consistent with the building.

Commissioner Kalriess said the location is important because of sight lines. If this wall is at the property line, it could cause some sight line problems.

Commissioner Hoovler said the wall should be near the building and the property line should contain plantings as screening.

Mayor Umstattd commented that wooden fences disintegrate quickly, and don't look attractive. What is the definition of masonry? Does the location of the wall have any impact on signage? Brian Boucher said that this is possible, but every effort will be made to avoid it.

Commissioner Wright doesn't want to see the wall along the property line. On the other hand, if this is near the building, then the sidewalks as they currently appear on the plan will need to be realigned.

Commissioner Bangert has some concerns about the wall with regard to late night safety. She would like to have the police department look at the location and make their comments.

**SE 2004-28 – Loudoun National Bank, special exception for drive through, located at 204 Catoctin Circle, SE. Wade Burkholder, Planner**

Robert Sevila, representative of the applicant, came forward to give a brief presentation on the proposed application. After reviewing the staff report and the conditions proposed, they have agreed to the conditions. Specifically, they have added a pedestrian access from the sidewalk to the building. They also moved the entrance to the parking lot further away from the intersection with Catoctin Circle.

Wade Burkholder basically deferred giving the staff report and moved on to taking questions from the Commissioners.

Commissioner Wright asked about the sidewalk condition, and the DCSM modification condition. He asked for an explanation of the DCSM modification. Mr. Burkholder said this had to do with entrance alignment with other entrances across South Street.

Mayor Umstattd stated that the building looked like an opera house and wondered if this was a design for all Loudoun National Banks.

Ron Miller, representative for the applicant, said this was not a typical design for all banks. This is what the architect considered fitting for the neighborhood.

Commissioner Hoovler asked about the traffic analysis. Right now the grade is level D for 2006 and level F for 2026. This is not good and he wondered if the applicant had any response to this. Mr. Burkholder said this did not appear in the conditions because this is like predicting the future. Robert Sevila said that the condition needs to be applicable to the time of application, not twenty years from now. That would be speculation.

Commissioner Kalriess stated that verbiage regarding the architectural elevations and the special exception stating that the building be built in accordance with the attached sketch did not appear in the conditions. Why wasn't the wording substantial conformance to the attached sketch used. Mr. Burkholder explained why this was not used. Mr. Kalriess went on to say that he would like to see elevations of the canopy. He felt that they should have reviewed this prior to it going to the Council.

Commissioner Jones commented on the Crescent District Master plan and how the streetscape will be very important. This building appears to have a vast difference in scale from its surroundings. He asked the applicant to work with staff regarding the Master Plan and take this into consideration.

Chairman Vaughan recommended that the applicant look at the two banks already in the area. They have similar design that fits within the area and he feels that they should reconsider the design.

Commissioner Bangert said that conditions could be put on this or the consultant can look at it and advise. Susan Swift stated that the applicant could meet with the BAR

consultants and/or the Crescent District consultants and the architecture could be added as a condition.

Robert Sevila said that they would be happy to meet with the consultants.

Chairman Vaughan suggested that they do have the meeting.

Commissioner Kalriess needed a point of clarification regarding streetscape – are they talking about massing or architectural character of the building, or streetscape.

Commissioner Jones said he did not intend to have the applicant change things, but to look at the elements of the future streetscape and take them into consideration.

Mayor Umstattd was unsure whether it be appropriate to make the architectural a condition of the application. Mr. Sevila said they did not see anything binding in the comments made and said they can certainly take the time to meet with the consultants for some suggestions.

Chairman Vaughan opened the meeting for public comment at this time. There were no speakers regarding this application. The public hearing was closed and Mr. Vaughan stated that there was a ten day period for further public comment.

Commissioner Wright commented on the street level grading of D.

### **SUBDIVISION AND LAND DEVELOPMENT**

None

### **ZONING**

None

At this point the agenda moved on to the Comprehensive Planning category. Susan Swift invited the EAC and EDC commission members to come forward and sit at the tables. She also suggested that there be a break in the meeting. Chairman Vaughan called a break and scheduled the meeting to reconvene at 8:30pm.

### **COMPREHENSIVE PLANNING**

David Fuller, Chief of Comprehensive Planning gave an overview of the agenda for tonight's joint meeting with the Planning Commission, Environmental Advisory Commission and the Economic Development Commission. He advised the Commissions that he would give a summary of the Element of the 1997 Town Plan, along with an analysis of the 1997 Town Plan Goals and Objectives. They would also cover existing conditions, trends and changes which would lead to priority issues for the New Element. Finally, draft goals and objectives for the new element would be discussed.

In summarizing the background paper for Land Use, Mr. Fuller stated that Leesburg will have land uses that create a balanced community that meets the needs of the present and future while maintaining the town's character. There will be a pattern of compatible land uses through land use type and intensity. Maintaining the town's character between the old and historic district and recent developments is also important. Some of the issues of a balanced community include land use type, environmental protection, affordable housing, economic development, creating and maintaining a jobs/housing balance and having a feasible balance of revenue source. Consideration of present and future needs of Leesburg as the county seat, a commercial center, and dealing with a rapidly growing county with a strong regional economy are important for any redevelopment and development. Currently about one fifth of the town is undeveloped although applications have been submitted for half of the vacant acres. Areas have been identified for light industrial uses, although little land is available within the town. Lastly, it is imperative that the town work with the county to carefully plan the UGA/JLMA areas.

Commissioner Hoovler asked if they were expected to put together different policies for the various sectors? Mr. Fuller responded that the plan would be general in nature and not specific to sectors. There will be sub objectives that will provide more specificity.

Sandy Kane of the EDC asked for some clarification on how specific they want the comments tonight to get. She also wanted to know what the practice was to object to county proposals for land use just outside the town limits. Susan Swift said that the concept plan would need to agree with the zoning in the area. The Mayor stated that there has been success in denying some land use applications and that the town and county staff worked well together to come to agreements.

Chairman Vaughan said that they should be allowed to get into specifics if necessary. Susan Swift said that they would like to focus on the objectives for tonight. Are we headed in the right direction with respect to specific parcels.

Karen Jones asked if staff had overlayed a transportation map over a land use map so that the big picture can be seen. That has not been done and she asked if they would please do it.

Sandy Kane had concern over the proposed location of the park and ride lot. Leading from the statement enhancements to the existing transportation system should always consider the impact on the quality of life of local residents, she objected to the location of the proposed park and ride lot stating that the impact on Sycolin Road would be overwhelming. There also is no pedestrian access. The final buildout of the area will put over 26,000 vehicles on the road just for the residents, not counting development outside the town limits and the additional vehicles generated by commuters using the park and ride lot.

Mayor Umstattd asked about preserving land zoned for office uses and not let it be rezoned to residential. Should the plan focus on a parcel by parcel analysis.

Bill Michell of the EDC said the center of town is the center. Expanding this center in the Crescent District and beyond is important. It will not do the town any good to create other “town centers”

Ara Bagdasarian of the EDC said Leesburg has an authentic town center and does not need to create other “town centers”. Don’t make this a town of “town centers”

Commissioner Hoovler said the current transportation system certainly cannot support more “town centers”.

Karen Jones said we need to maintain land use for business and can’t let the land disappear until all the commercial and business needs of Leesburg have been met.

Chairman Vaughan said that his concern is that the Commission needs to establish how they can take the comments and incorporate them into the new Plan effectively. Can some of the new urbanization concepts fit well within the plan?

Karen Jones said she wanted to protect what can be used for business and went on to say she had no problem with mini town centers. They really need to look closely at the economic impact.

Ara Bagdasarian said he felt it would be important to attract new business over retail.

Commissioner Bangert suggested that they begin discussing the objectives so that staff would get better feedback.

Commissioner Kalriess reiterated what Ms. Bangert stated and said in order to move forward the discussion must take on focus on the objectives.

Commissioner Jones felt that going through all objectives could be too time consuming, but perhaps if people limit their comments to one or two statements it could move more quickly.

There was some concern that the Commission should allow for comments – this is the purpose of the meeting and is important to the process.

Commissioner Jones had some concerns about the sectors as they were delineated in the presentation by Mr. Fuller. The town does not have a JLMA area, but the County does. His question is are they suggesting that the county’s JLMA be adopted, are we putting county land into the Town Plan? Should we set out a JLMA so that there is specificity regarding the area outside of town.

Susan Swift said it was shown as the old UGA based on the 1997 Town Plan, and at some time when a joint planning process happens, these will be realigned to reflect that. Mr. Jones said he feels it is important to delineate the land use such as light industrial, office park, etc.



He went on to refer to the 1997 plan and its statements about existing development and older neighborhoods, maintaining the “feel”.

Commissioner Bangert would like to see a legal agreement similar to the PUGAMP in Purcellville. This should be inserted in addition to item #12. She had further comments on the timing for infill in the JLMA – it needs to be planned now, not later. Water and sewer availability – who will provide it? She also had a concern about the live/work/play area, but doesn’t see the opportunity to put the required businesses in. How do we take the political pressure out of this picture? How can we find a way to capitalize on the Bioresearch concept that was presented a few weeks ago. It is important to bring in businesses other than retail, something that will bring in higher incomes.

Commissioner Wright felt that the jobs housing balance is currently not acceptable. Again, there are low paying jobs that do not support the housing market. On number 5, the concept of phasing needs careful timing, the last thing done are the proffered improvements. In item number 10, end the statement after “commercial use”. Don’t leave the door open to too much more retail.

Commissioner Kalriess said he liked the sector plan. It focuses on different neighborhood. With the CIP, can impact fees be used, and if so, by sector? We need to stick to what we put in the CIP. He disagrees with Item #10. He thinks that each portion needs to be looked at carefully and don’t let the economics of the land dictate what is built there. Put office use where we want office use. Think about overbuilding and future demand. Define light industrial, make it more clear. We don’t want to put truck traffic in the wrong places for light industrial. Also, should we consider expanding the commercial limits of the current downtown area.

Gem Bingol of the EAC stated that Leesburg is already a town of mixed use. We must be careful not to create town centers, or town strip centers. She also agreed with the comments on item #10 – we must be careful not to include too much retail in the commercial uses. She would like to see us work with the county to figure out what we are going to do with the JLMA and UGA, look for a potential greenbelt, watch the mixed use in redevelopment and preserve wetlands.

Ken Reid of the EAC was appalled that Leesburg did not have a program like Purcellville’s PUGAMP. With regard to mixed use, we have the authentic town center, so don’t create artificial ones. There is still land that can be developed. Some sectors seem to be heavy on mixed use and others have no mention of it. People are still going to live in one spot and drive out of the area to shop, work and play. The light industrial should be near the airport, mixed use could fit on Market Street. Item #5 seems to refer to Meadowbrook – that area would be well served as a biotech center. There seems to be an area that is designated floodplain that has retail development indicated on it.

Ara Bagdasarian would like to see an objective promoting development of commercial office space. Make it an objective by itself. Also, the center of town could be an expanded commercial center.

Dennis Boykin of the Airport Commission referred to the report on the tree canopy cover and stressed the importance of maintaining it. Nothing seems to be in the plan to promote this preservation.

Susan Dolgin of the EAC would like to see the protection of river corridors and supports land uses that restore river corridors. The central sector should be made as livable as possible adding pedestrian ways. She asked for a definition of “fine grain”. Mr. Fuller said these are uses that are close together and built to human scale. He gave an example of the old and historic district where houses are close to the street, the streets are narrow and the houses are in close proximity to each other.

Bill Michell is opposed to big development and where it’s located. He favors smaller applications of mixed use. He disagrees with the term that developers often use “it’s a win win”. Where does it say that either party will win anything. Another term is “community design guidelines apply to all development”. Very few places get into the actual design of a structure, a prime example was the building presented this evening. A beautiful building, in the wrong spot. He feels strongly that there needs to be more control over architectural design.

Chairman Vaughan said that yes, we should request that designs are consistent with Leesburg’s atmosphere. That is the mission of the Planning Commission, not to allow designs that are too far out for Leesburg.

Dennis Boykin, Vice Chair of the Airport Commission, addressed the general objectives with regard to the airport. He asked that numbers 3 and 4 be separate items and that care is taken not to encourage too much residential development, especially in the proximity of the airport. Under the Southeast Sector objectives encouraging light industrial, research park, office park, etc. near the airport is important. The sentence “The area is impacted by the airport operations and is, therefore, not appropriate for residential use” should also be added to Paragraph 13.

Commissioner Wright agreed with Mr. Boykin and said putting this in strong language should be encouraged. He asked the airport commission vice chair if the current location of Bolen park is a compatible use with regard to airport operations. Mr. Boykin responded that density is of major concern. The park is a compatible use because the airport activity is highest in the evening hours. Mr. Wright went on to say that the operational rectangle should be overlaid and signage put up so that everyone knows that this is an airport activity area.

Mr. Boykin suggested that the objectives for the Southeast Sector should include a paragraph 14B that states that the use of this land for a park is compatible for its proximity to the airport.. There are two types of things the airport gets involved in, overlay districts and definition of flight patterns. The new plan must address the traffic area. Susan Swift stated that the airport’s consultants are preparing such a map.

Ken Reid asked if the town could annex this land to save it. The Mayor responded that it would be difficult to forcibly annex land against the will of the county and landowners unless they could prove financial hardship as a result of this proposed development.

Sandy Kane asked if a study had been done regarding the airport economic impact. The Mayor answered that so far this had not been done. The Mayor went on to say that it would be to the airport's benefit to keep this land outside of the town limits. If it is in the town, the citizens could vote to close the airport through town elections. If it remains in the county, the action for try to force closure would be limited.

Mr. Boykin went on to say that there is presently no vehicle in place to prevent expansion. There is currently expansion of the airport by 500 feet in the airport master plan. It has not yet been presented to Council, however.

Commissioner Jones feels that there is a strong basis for business related activity in the area surrounding the airport. The old county land use documents were designated as employment centers. When there was downzoning the Leesburg supervisor supported low density residential use specifically because of the airport.

Councilmember Hammler said that any funds lost because of change to residential must be balanced out.

Ken Reid said that this area will be house rich but job poor. He suggested that this area be developed as business encouraging less commuting by providing the proper jobs.

Commissioner Wright said there was nothing in the plan regarding affordable housing. Number 18 for the central sector with regard to the Rogers property, he cautioned that the plan should not encourage a mixed use center on the property. The property has been like this for many years and he commented that it might not flip, so don't encourage anything for it. He went on to say that the southeast and southwest sectors need to address phasing, in other words no development before road improvements are put in.

Commissioner Bangert said that they need to watch legislation currently in Richmond regarding up front proffers and their impact especially when it comes to transportation.

### **TRANSPORTATION**

John Martin of Kimley Horn and Associates, introduced Matt Noonkester who gave a presentation on the Transportation element of the town plan. Basically he stated that the current transportation element had served its purpose and needed to reflect citizens' desires for a multi modal transportation system. The priority should be for a sustainable transportation system which provides modal choice, complementary land uses, human scale streetscapes and identifies funding for implementation.

Some of the key findings were that Leesburg struggles to balance its historic character and quality of life with increasing traffic demands. Pass through traffic and increasing

residential development contributes significantly to the congestion problems. Impacts of these are compounded by lack of mode choice for travel within town.. Critical transportation issues between the town and transportation agencies include level of service standards, sensitive design for major road corridors, funding and increasing transit patronage. Currently the town must rely on various funding sources such as federal, state or county funding disbursed among competing municipalities, and proffers from new development. There needs to be equitable distribution of costs for providing infrastructure supportive of new development.

An internal audit of the transportation planning process needs to occur. Updating the town comprehensive transportation study and expanding the scope of study to include a local transportation model for future year land use and conditions. A bicycle and pedestrian master plan needs to be put in place, and the street standards in the DCSM need to be refined to address the needs of the town in terms of function, aesthetics, safety, compatibility with properties and the cost of maintenance.

Lastly the transportation element must be committed to maintaining a safe, convenient and efficient transportation system; improving conditions for pedestrians and cyclists; coordinate among local, county, state and regional transportation agencies and lastly explore funding mechanisms available for implementing transportation improvements.

Chairman Vaughan said ideally we would like to maintain a Level C for the transportation plan, but realizes that much of it is at Level D. Matt Noonkester responded that bringing level of servicing can be increased by having good land use. Looking at other modal options is also important. Chairman Vaughan went on to say that they need to look at opening closed streets and discouraging use of cul de sacs. John Martin responded that there are five to six locations in town that are ready for connectivity.

Bill Michell asked for a quick explanation of Levels A-F. Does it have to do with road improvements, etc.? Matt Noonkester responded that the level service standard needs to be identified. While a level A is ideal, it is not fiscally possible to have all roadways at that level. The municipality must set a standard that they feel comfortable with and must enforce that the standard is used throughout.

Sandy Kane asked if the community can turn down development until the proper infrastructure is put into place? There should be a way to include in the town plan that would not allow development until the roadway is put into place.

Mayor Umstattd said that this has never been granted by the General Assembly. We have no authority for impact fees except on a small scale, so we really can't put this into the Town Plan. Sandy Kane went on to ask if the town could offer incentives that would encourage road improvements and/or construction.

The General Assembly requires that everyone be assessed at the fair market value so there are limitations on taxation. Will the roads meet the required density? Office space and retail also have a negative impact on the roads. Commissioner Kalriess said he

understood that Lerner could not build the Dulles Town Center until the roads were put into place. Is there a vehicle such as this that could be used? The Mayor responded that there was a coordinated effort regarding those roads. There was some money collected from landowners and Lerner voluntarily agreed to do this.

Susan Swift said there are some regulations in the land use element that can put a policy in place. This would not be a regulation, but a policy.

Sandy Kane asked that this be put in. The Mayor responded that the Oaklawn area has proffered some roadwork, if this is put into the town plan, they can be required to put in road improvements. We cannot say that they have to help. Susan Swift said this is a very fine line, they can't ask to improve a piece of road that might be some distance from the development, but is impacted by the additional trips generated. Keep in mind that proffers are voluntary, we cannot ask for them.

Commissioner Jones commented that a little knowledge can become a dangerous thing mentioning that the new commissioners attended planning school recently. Comments through the session reiterated that the Dillon Rule is a major factor in the planning for municipalities and counties in Virginia, but the planning process is taking on more validity with the courts. The communities that fleshed out the comp plans aggressively have a better chance of the courts upholding things if consistency is demonstrated.

Councilmember Hammler said a little knowledge can be a strong motivator to learn more. This can become a legal base for everything that's coming in.

Chairman Vaughan said that getting the developers to see what impact they will have is the challenge. Susan Swift said with no locally controlled funding mechanism, bad land use decisions can be made because major road improvements are promised. On page 60, "Encourage equitable distribution of financial responsibility for construction of off-site roadway improvements necessitated by new development in accordance with existing and potentially new methods for negotiations to mitigate these off site development impacts. One option is the use of impact fees assessed equally among developers. This provides a level of predictability not achievable with proffers." There is a small window in state law that has allowed Northern Virginia Communities to do this and we are researching this.

Mayor Umstattd said that you would have to give up the right to proffers if you pursue this avenue. It is limited in use and is usually restricted to upgrades adjacent to the development.

Councilmember Horne asked if the upfront phasing concept could be used here.

Ken Reid asked if Arcadia had paid for road improvements. Susan Swift said there were some improvements because they were proffered.

Councilmember Hammler said that the tone of the objectives should be shifted from land use toward transportation impacts, e.g., business vs. residential.

Commissioner Wright said that in the objectives, level service C, don't lower the level, measure different ways for different processes. We need to get this to be more consistent. Can there be a density bonus for transit hubs? The town is deficient in the transportation plan. We don't have what we need today, so these projects must be identified and completed. Also be careful not to allow anymore at-grade intersections along the bypass or Route 7 East. Some of the at-grades are choke points and should be eliminated.

Bill Michell said that Dry Mill Road is a Level A and all of the others are C or below. With the projects scheduled, how will this impact the current road ratings?

Matt Noonkester responded that these were all computer generated models. The land use is entered and the current transportation system is entered, that's how the levels were attained. There are ways to determine what the impacts will be with planned improvements.

Susan Swift commented that there are different uses for levels of service, we have used C as a standard. Improvements for certain sites can be requested based on the level of service.

Ken Reid said an example is the level of Route 15 which is at a D now and what the impact will be once Meadowbrook is built. Can we ask that they bring the roadway up to a higher level or at least maintain the current level. Susan Swift replied that yes, this is an example.

Sandy Kane said that based on that theory, Sycolin Road is a level C.

Dennis Boykin said that the impact on the Greenway from Tolbert Lane to the end deteriorates each evening. The roadway has already been choked, this needs to be looked at more closely.

Commissioner Bangert said that in the meeting with Milt Herd, it was pointed out that we were doing land use first and then looking at the transportation impact. Mr. Herd said it should be the other way around, look at the transportation issues and then determine the land use for certain areas. This is not how applications come in, do we need to look at the JLMA, and determine the transportation, then land use. We have no responsible funding and need to get a handle on the fiscal portion. The County has fiscal impact numbers and they are requesting that the town's adopt these number also. Costs are constantly increasing as we wait to complete projects.

The Mayor said the county has a good idea but all of this is affected by the General Assembly. Susan Swift said there was a formula in the transportation element that is updated each year.

Ken Reid asked what the procedure was at this point for the transportation discussion. He went on to say that within the town varying levels of service is okay. Major roads should have a C or better. In terms of modeling, does the county have their own model? Can Leesburg adopt the County model? The County does have a model and in some instances it could work well, our thought was to use their model. However, the timing has not worked out since the town plan completion has been accelerated. Mr. Reid went on to say that there should be transit based development. Put the housing near public transportation. A goal should be to improve air quality by encouraging mass transit. If a developer has to build a road, do they use private funding or are they eligible for government funding? The Mayor responded that theoretically they can do both. The question is does a PPTA scheme potentially release a developer from commitment. Mr. Reid went on to say that he likes the bike and pedestrian ways that are proposed. Lastly he asked if Leesburg is a member of the NVTAA? The Mayor responded that we attend, but are not voting members.

Mayor Umstattd said that at one time there were voting rights in NVTAA but the SCC changed that a few years ago. They are still lobbying to regain that status.

Gem Bingol stated that we need to avoid supersizing roadways. Also, increasing utilization of pedestrian ways and bike paths needs to be encouraged. She agreed that new ways to get funding needed to be researched. Lastly, by looking closely at land use, perhaps a preferred road plan could be established.

Chairman Vaughan asked if funding could be obtained through grants. How can funding be developed. Susan Swift said that this was part of the impact fee discussion. Also, the CIP program and funding is a combination of drainage and transportation, but at a smaller, more localized level. Right now there is no funding source if VDOT dries up. Are there ways to be more proactive instead of depending on VDOT or developers.

Dennis Boykin said from the airport's stand, residential impact is not just runway approach pass and traffic pattern impact. The fact that the county is rezoning this land from commercial to residential is a problem. The airport master plan due in November 2006, will be submitted to the FAA at that time. It should be available to the Council prior to that date. He also wants to include the comment that the airport is not a regional airport, but is a regional economic asset. There needs to be an objective that protects the airport from encroachment of land use because of the unique traffic patterns.

Ken Reid offered the idea about public/private partnership to make the Route 15 bypass an expressway.

Commissioner Jones asked if the PPTA is between government and private sector, are there funds for segments of roads? Could this leverage a PPTA that the county and town would form, allow private sector to join in, and work collectively for an end result. Susan Swift said that all of these should be explored.

Commissioner Kalriess asked if the peak hour measurement takes the weekend into account. Rapidly growing communities have heavy weekend traffic. Mr. Martin said that yes, that is considered. He said that most development transportation studies only take Monday through Friday traffic into account. He agreed that tying the type of development that occurs into the transportation plan, looking long range. Commercial development will put more money into the town's coffers and in the long term can be used to make improvements. Look at the economic development and how it feeds into the tax base. Are we considering downzoning, perhaps give density bonuses to pay for things that we want. When we add residential we are impacting the roads more heavily. Commercial regulates the times that traffic is on the road.

Commissioner Bangert moved that the rest of the meeting be suspended in light of the late hour.

Moved: Bangert  
Second: Hoovler  
Carried: 7-0

The meeting was adjourned at 11:58pm.

**Prepared by:**

**Approved by:**

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**Linda DeFranco, Commission Clerk**

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**Clifton Vaughan, Chairman**



